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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/114,352	07/13/1998	TOMOKO TERAKADO	SONY-P8770	9117

7590

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EXAMINER

KOENIG, ANDREW Y

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 02/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/114,352

Applicant(s)

TERAKADO ET AL.

Examiner

Andrew Y Koenig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,6
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 4, and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,579,055 to Hamilton et al.

Regarding claims 1, 8, 9, and 10, Hamilton teaches transmitting EPG data in the vertical blanking interval (VBI) of the transmitted signal, which is received by the set top tuner (col. 11, ll. 13-20). Hamilton teaches receiving the audio and video (fig. 7, lab. 700), and displaying the image signal to the display (col. 15, ll. 54-56). Hamilton teaches extracting the EPG data with the television tuner (col. 2, ll. 42-54). Hamilton teaches updating the EPG data every 30 minutes or for a program change (col. 5, ll. 55-

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60); updating the EPG reads on altering the display format. Regarding the limitation of "in accordance with predetermined information," Hamilton teaches receiving and accepting a template from the EPG supplier (col. 5, ll. 49-52). Clearly, Hamilton teaches outputting the altered EPG (received every 30 minutes or program change) to the display in order to display the updated information to the user.

Claims 9 and 10 add the limitation of a computer program used in the receiving apparatus. Clearly, Hamilton inherently must use a computer program in order to receive, store, and display the EPG data.

Regarding claim 4, Hamilton teaches storing the template into memory (col. 5, ll. 49-52), which reads on recording information representing a predetermined broadcasting station.

Regarding claim 7, Hamilton teaches sending the current time and date from the ISP system clock, which reads on additional information added according to predetermined information.

3. Claims 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 5,559,548 to Davis et al.

Regarding claims 11-14, Davis teaches a transmitter and a receiver (as shown in figure 1). Davis teaches editing promotional data stored in the promotional database (col. 6, ll. 3-10), which reads on generating an image signal. Davis teaches a data processor (fig. 1, lab. 110) that generates the EPG (col. 6, ll. 46-53). Furthermore, Davis teaches displaying the product logo (see figure 7a) of TV Guide (as shown in 7b

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and 7c), which reads on information representing the broadcast station. Davis teaches assembling all the information (i.e. generated EPG, broadcaster information, and promotional information) by the data processor and transmitting the combined signal (col. 6, ll. 46-58).

Further regarding claim 13, claim 13 adds the limitation of transmitting a computer program. Davis teaches transmitting the EPG data (col. 6, ll. 54-58), which clearly reads on a computer program.

Further regarding claim 14, claim 14 adds the limitation of holding a computer program and using the computer program. Davis teaches a data processor (fig. 1, lab. 110), which inherently uses computer program in order to send and compile the EPG data.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,579,055 to Hamilton et al. in view of U.S. Patent 5,559,548 to Davis et al.

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Regarding claims 2 and 3, Hamilton teaches receiving a template from the EPG supplier (col. 5, ll. 49-52), however is silent on teaching that the template has predetermined information representing a broadcasting station. Davis teaches displaying the product provider logo (fig. 7a), which reads on a predetermined information representing a broadcasting station (transmitting an image signal), to be displayed within the template (col. 8, ll. 59-66). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hamilton by further send information representing a broadcasting station as taught by Davis in order to promote the EPG supplier.

Regarding claim 6, Hamilton is silent on altering the data so that part of the data is emphasized according to predetermined information. Davis teaches displaying a promotional video and text, which reads on data emphasized in accordance with predetermined information (fig. 7a). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hamilton by displaying emphasized information as taught by Davis in order to encourage program viewership.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,579,055 to Hamilton et al. in view of U.S. Patent 5,550,576 to Klosterman.

Regarding claim 5, Hamilton teaches updating the display at 30-minute intervals or for program changes (col. 5, ll. 55-60), but is silent on changing the order of data constituting the EPG in accordance to the template. Klosterman teaches various

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combinations of ordering programs within an EPG; furthermore, channels in an order associated with their particular source (col. 6, ll. 34-39). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hamilton by altering the order of data in the EPG as taught by Klosterman in order to encourage viewers to select programs from various networks.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y Koenig whose telephone number is (703) 306-0399. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

ayk
February 9, 2002


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600